THE HON'BLE MR JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.22214 of 2007

17.10.2007

BETWEEN

Noor Shan Nawaz Khan

.....Petitioner

AND

Govt.of A.P., rep.by its Secretary (Accommodation), General Administration Department, Secretariat, Hyderabad-4 and another.

.....Respondents

THE HON'BLE MR JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.22214 of 2007

ORDER:

This writ petition is filed for a writ of Mandamus declaring the action of the respondents in seeking to evict the petitioner from Quarter bearing No.MC-187, Malakpet Colony, Hyderabad, as arbitrary and illegal, and violative of G.O.Ms.No.321, dated 07.05.2007. The petitioner also sought a consequential direction to the respondents not to evict him.

The petitioner is in occupation of a residential quarter bearing No.MC-187, 2RT, Malakpet Colony, Hyderabad, which is admittedly a Government accommodation, since 1984. He

was promoted to the post of Divisional Public Relations Officer vide proceedings dated 31.05.2007 w.e.f., 28.06.2007 and posted at Nandyal. Consequent on the petitioner's promotion and posting outside Hyderabad, respondent No.1, issued proceedings in Memo No.19435/Accom.C2/2007-I, dated 10.10.2007, whereunder the said quarter was allotted to one Sri K.Rama Rao, Assistant Section Officer, Education (SE) Department, A.P.Secretariat, Hyderabad. The petitioner filed the present writ petition for the aforementioned relief.

Heard Sri C.M.R.Velu, learned counsel for the petitioner, and the learned Government Pleader for General Accommodation.

The main argument of the learned counsel for the petitioner is that his son is studying degree and that under the Rules framed vide G.O.Ms.No.321, dated 07.05.2007, a transferred government employee occupying an residential quarter is entitled to retain the same till the end of the academic year.

I have perused the amended Rules notified in G.O.Ms.No.321, dated 07.05.2007. Clause 4 of sub-rule (2) of Rule 10 provides that in case of transfer of a government employee in occupation of a residential accommodation to a place outside greater Hyderabad, he has two months time to vacate the quarters. However, if the transfer is effected after 30th September and if the children of the employee are studying in Hyderabad, he can retain the quarter upto the end of the

academic year, subject to payment of penal charges prescribed therein. On the petitioner's own showing, he was promoted and posted outside Hyderabad by proceedings dated 31.05.2007 w.e.f., 28.06.2007. Therefore, the aforementioned Rule has no application to the petitioner and the maximum time that is permitted for retaining the quarter is two months which expired by the end of July. I therefore do not see any merit in the contention of the learned counsel for the petitioner that the petitioner is entitled to retain the residential quarter till the end of academic year 2007-2008. There is another reason for my disinclination to grant relief in favour of the petitioner. The proceedings, dated 10.10.2007 show that the quarter in occupation of the petitioner was already allotted to one Sri K.Rama Rao, Assistant Section Officer, Education (SE) Department, A.P.Secretariat, Hyderabad. Neither the said order is challenged nor Sri K.Rama Rao is impleaded as a party to this writ petition.

For the aforementioned reasons, the writ petition is dismissed. However, having regard to the long possession of the petitioner and the difficulties enumerated by him in vacating the quarter, I deem it proper to grant time till 30.11.2007. If the petitioner does not vacate the quarter by the said date, the respondents shall take effective steps to evict the petitioner. No costs.

C.V.NAGARJUNA REDDY, J

17.10.2007

Note: Issue CC in two days.

(b/o)

VGB/KLP